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भारत का राजपत्र

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सं. २] नई दिल्ली, शनिवार, जनवरी २५, १९८६/माघ ५, १९०७

No. 2] NEW DELHI, SATURDAY, JANUARY 25, 1986/MAGHA 5, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह असम संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

PART II—Section 3—Sub-section (III)
भाग II—बाट ३—उप-बाट (III)

(उन्नत राज्य के अधिकारियों को छोड़कर) लेन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएं
Orders and Notifications Issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

नई दिल्ली, ७ जनवरी, १९८६

आदेश

प्रा. घ. २—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के संघ (२) में यथा विनिर्दिष्ट लोक सभा/विधान सभा के निर्वाचन के लिए जो स्थान (३) में विनिर्दिष्ट निर्वाचन दोहरे स्थान से हुआ है, स्थान (४) में उसके सामने विनिर्दिष्ट निर्वाचन दोहरे बाला प्रत्येक ग्राम्यर्थी, लोक प्रतिनिधित्व अधिनियम, १९५१ तथा तदीय बनाए गए नियमों द्वारा अनेक उक्त सारणी के संघ (५) में यथा उपर्योगित रूप में घरने निर्वाचन व्ययों का कोई भी लेना दाखिल करने में भ्रष्टाकाल रहा है;

और उक्त ग्राम्यर्थी ने सम्यक भूचाल दिए जाने पर भी उक्त भ्रष्टाकालता के लिए या तो कोई कारण अवश्य व्यष्टीकरण नहीं दिया है या उनके द्वारा दिए गए घटनावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त भ्रष्टाकालता के लिए कोई पर्याप्त कारण या घटनावेदन नहीं है;

प्रतः, घब निर्वाचन आयोग उक्त ग्राम्यर्थी की ध्वारा १०-के प्रत्युत्तरण में नीचे की सारणी के संघ (४) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य के विधान सभा ग्राम्यर्थी का नाम व पता निर्दिष्ट का कारण भ्रष्टाकाल संख्या और नाम

सारणी

सं. सं.	निर्वाचन का विवरण	संसदीय निर्वाचन-सेवा निर्वाचन दोहरे बाले ग्राम्यर्थी का नाम व पता निर्दिष्ट का कारण	सं. सं.	
१	२	३	४	५
१.	लोक सभा का साधारण निर्वाचन, दिल्ली, १९८४	१४-जौनोपेसे	श्री बालम रमेश ग्राम्याकुर (दाक) (बाया) उत्तावापाद कांडकीर तालुक प्राकालम जिला घोष प्रदेश शर्गर बैक स्ट्रीट, रेलपेट, रेपले, जिला मुन्दुर के सामने (ओडिशा प्रदेश)	कोई भी सेवा दाखिल नहीं किया गया है।
२.	घोष प्रदेश, विधान सभा का साधारण निर्वाचन, मार्च, ८५-९३-रेपले			मुद्रादेश-

1	2	3.	4	5
3.	भांध्र प्रदेश विधान सभा का सामाजिक नियमित, यार्ड, 85	96-तेनासी	श्री रघुड जनाधिन, नेतिबारि स्ट्रीट, रामलिंगेश्वर पेट, तेनासी जिला गुंटूर (भांध्र प्रदेश)	कोई भी सेवा वालिल नहीं किया गया है।
4.	-तर्देव-	100-गुंटूर-1	मध्यस्थ अनजानेयल शौका, कोल्लपाल वारी संघ मीठि, गुंटूर, भांध्र प्रदेश	-तर्देव-
5.	-तर्देव-	-तर्देव-	आरियानिति वैकटावलपाति राव 16-17-101 सत्यानारायण स्वामी टेम्पल स्टेट बोल्ड गुंटूर (भांध्रप्रदेश)	-तर्देव-
6.	तर्देव-	-तर्देव-	श्री कस्युरापु दुर्गा प्रसाद, साई शाहा टेम्पिल स्टेट., पार. अग्रा हाराम, गुंटूर-3 (भांध्र प्रदेश)	-तर्देव-
7.	-तर्देव-	-तर्देव-	श्री चायना बाबा राव मावामाचि, 8-8-40 यार्ड लाइन, मेहुरगढ़ गुंटूर (भांध्र प्रदेश)	-तर्देव-
8.	-तर्देव-	-तर्देव-	श्री वासुदेव राव, फरसाला कावापेट, गुंटूर, जिला गुंटूर भांध्र प्रदेश	-तर्देव-
9.	-तर्देव-	101-गुंटूर-2	श्री अव्याराव मिरियाला सनाकक्षयालदारी स्टेशन कोथापेट, जिला गुंटूर (भांध्र प्रदेश)	-तर्देव-
10.	-तर्देव-	-तर्देव-	श्री पुष्पार्थि साम्बासिवाराव, ई. न. 4-16-460, हैड फाफिस अमरावती के सामने जिला गुंटूर (भांध्र प्रदेश)	-तर्देव-
11.	-तर्देव-	-तर्देव-	श्री मधुसूदन शर्मा, चित्तलपट्टि मार्केट टी. वी. प्रसाद, एड्सोकेट, 4-11 वी ब्राइपेट, जिला गुंटूर, भांध्र प्रदेश	-तर्देव-
12.	-तर्देव-	103-टाईकॉड (प. आ.)	श्रीमोहिरामा सुधाकर राव, बारा पेट, गुंटूर-2 (भांध्र प्रदेश)	-तर्देव-
13.	-तर्देव-	-तर्देव-	श्री मेकला सुभाराव मेकलावारीबींधि, मिनिबिपेट, विजयवाड़ा भांध्र प्रदेश	-तर्देव-
14.	-तर्देव-	107-माचेरला	श्री केशवपट्टनम गोविवाराजुलू 1-139-जी, दुर्गी गुंटूर जिला (भा. प्र.)	-तर्देव-
15.	-तर्देव-	-तर्देव-	श्री कलिटा दरिसेनापु म. प. 11-209-10-5 मकरला जिला गुंटूर भांध्र प्रदेश	-तर्देव-

१	२	३	४	५
१६.	गोप्य प्रदेश विधान सभा का साधारण निर्वाचन, मार्च		श्री तिळमत सेटी वैकटेश्वरसु श्री सं. १२-२-९/५ प्रकाशनगर नरसरोवेट, जिला गुंटूर (गोप्य प्रदेश)	कोई भी लेका वाचिल नहीं किया गया है।
१७.	—तदैव—	—तदैव—	श्री मदाक्ष लक्ष्माइह डायरी नं. १०-५-१८ प्रल्पा डेलपेट नरसरोवेट, जिला गुंटूर (गोप्य प्रदेश)	—तदैव—
१८.	—तदैव—	२४१—योउथ (प. ज. जा.)	श्री भगवर सिंह इसापुर वैष्णव बालाकिंदि तालुक बोम्माय जिला आदिलाबाद (गोप्य प्रदेश)	—तदैव—
१९.	—तदैव—	२४६—सिर्पुर	श्री इमूलहा जान, एडवोकेट, पोस्ट तन्दूर, तालुक आसिफाबाद जिला आदिलाबाद (गोप्य प्रदेश)	—तदैव—
२१.	—तदैव—	२६१—बेरियल	श्री एन. राजालिंगम बेकल तालुक बेरियल वारंगल जिला (गोप्य प्रदेश)	विधिवत रूप से लेका वाचिल नहीं किया गया।
२२.	—तदैव—	—तदैव—	श्री पंडाला कोमरालिंगम्मा पुरु तालुक बेरियल वारंगल जिला (आ. प.)	कोई भी लेका वाचिल नहीं किया गया।
२३.	—तदैव—	२६४—योरनाकल	श्री करुणायला याथानिरि, मकान नं. १०१, जिनामण्णरम (आम) बाबा केतामुद्रम, महूबाबाद तालुक, जिला वारंगल (आ. प.)	—तदैव—
२४.	—तदैव—	२४३—दुग्गादुर्धी	श्री अमरेश्वर राहिड डाकघर इसयालापुरम (वी) सूर्योपेट, तालुक जिला नलगोड़ा	—तदैव—

[सं. ७०/पा. प्र./८६ (१ से २४)/७७८]

प्रावेश से,

श्री. एल. रोह, सचिव
भारत निर्वाचन पार्षदग

ELECTION COMMISSION OF INDIA

New Delhi, the 7th January, 1986

ORDER

O.N. 2.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People/State Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after the due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order :—

TABLE

Sl. No.	Particulars of election	Sl. No. & name of the Assembly Constituency	Name of the contesting candidate	Reason for Disqualification
1	2	3	4	5
1.	General Election to the House of the People held in December, 1984	18. Ongole	Sh. Nalam Ramaiah Atmakur (Post) (via) Ulavapadu Kandukur Taluk, Prakasam District Andhra Pradesh	Account not lodged at all.
2.	General Election to Andhra Pradesh Legislative Assembly held in March, 1985	93. Repalle	Sh. Kothamasu Venkateswara Rao Opposite to Urban Bank Street, Railpet, Repalle, Dist. Guntur (A.P.)	-do-
3.	-do-	96. Tenali	Sh. Rayudu Janardhan Netivari Street, Ramalingeswarapet, Tenali, District— Guntur (A.P.)	-do-
4.	-do-	100. Guntur-I	Sh. Achyuta Anjanayulu Choutra, Kolliparu Vari Sandu Veedhi, Guntur Andhra Pradesh	-do-
5.	-do-	-do-	Sh. Ayinaparti Venkata Chalapati Rao, 16-17-101, Satyanarayana Swamy Temple St., Old Guntur (A.P.)	-do-
6.	-do-	-do-	Sh. Karpurapu Durga Prasad, Sai Baba Temple St., R. Agra haram, Guntur-3. (A.P.)	-do-
7.	-do-	-do-	Sh. China Bapa Rao Madamanchi, 8-8-40 3rd Line, Nehurnagar Guntur (A.P.)	-do-
8.	-do-	-do-	Sh. Vasudev Rao Kurnala, Kothapet, Guntur, Dist. Guntur Andhra Pradesh.	-do-
9.	-do-	101. Guntur-II	Sh. Apparao Miriyala Sanakkayalvari St., Kothapet, Dist. Guntur Andhra Pradesh	-do-
10.	-do-	-do-	Sh. Pulaparthi Sambasivarao, D. No. 4-16-460, Opp. to Amaravathi Road, P.O. Dist. Guntur (A.P.)	-do-

1	2	3	4	5
11.	General Election to the Andhra Pradesh Legislative Assembly held in March, 1985	Guntur-II	Sh. Madusudana sarma Chintalapati, C/o T.V. Prasad, Advocate 4-11th Brodipet, Dist. Guntur, A. Pradesh.	Account not lodged at all
12.	-do-	103—Tadikonda (SC)	Sh. Meddirala Sudhakara Rao, Bharatpet, Guntur-2 (A.P.)	-do-
13.	-do-	-do-	Sh. Mekala Subbarao, Makalavariveedhi, Vinchipet, Vijayawada Andhra Pradesh	-do-
14.	-do-	107—Macherla	Sh. Kesavapatnam Govindarajulu, 1-139-G, Duggi, Guntur Dist. (A.P.)	-do-
	-do-	-do-	Sh. Kotish Darisenappu, H. No. 11-209-10-5 Macherla Dist. Guntur Andhra Pradesh	-do-
16.	-do-	109—Narasaraopet	Sh. Tirumalasatty Venkateswarlu, D. No. 12-2-9/5, Parakashnagar Narasaraopet, Dist. Guntur (A.P.)	-do-
17.	-do-	-do-	Sh. Madaka Laxmaiah, D. No. 10-5-18, Arundelpet, Narasaraopet, Dist. Guntur (A.P.)	-do-
18.	-do-	241—Boath (ST)	Sh. Amar Singh, Isapur Post, Wankidi Taluk Boath, Dist. Adilabad (A.P.)	Account not lodged at all
19.	-do-	-do-	Sh. Meshram Dev Rao, Kaslapur Taluk-Utnoor, Dist. Adilabad, Andhra Pradesh.	-do-
20.	-do-	246—Sirpur	Sh. Amanullah Khan, Advocate, Post Tandoor, Taluk Asifabad, Dist. Adilabad (A.P.)	-do-
21.	-do-	261—Cherital	Sh. N. Rajalingam Bekkal Taluk; Cherital, Warrangal District. (A.P.)	Account not lodged in the manner
22.	-do-	-do-	Sh. Pandia Komralli, Ammapur, Taluk : Cherital Warrangal Dist. (A.P.)	Account not lodged at all
23.	-do-	264—Dornakal	Sh. Karupothula Yadagiri, H. No. 4-101, Chinamupparam (Vil) Via Kesamudram, Mahabubabad Taluk, Dist. Warrangal (A.P.)	-do-
24.	-do-	283—Thungathurthy	Sh. Amrutha Reddy, Gaddam, P.O. Isthlapuram (v), Suryapet, Taluk Dist. Nalgonda (A.P.)	-do-

[No. 76/AP/86(1-24)/778]

By Order,
C.L. ROSE, Secy.
 Election Commission of Indi

नई दिल्ली, 8 जनवरी, 1986

प्रा. प्र. 3.—सोक प्रतिनिधित्व प्रधिनियम, 1951 (1951 का 41) की घारा 106 के मनुसंरण में निर्वाचन आयोग 1985 की निर्वाचन अर्जी सं. 1 में मध्य प्रदेश उच्च न्यायालय, जबलपुर के तारीख 22 भ्रात्स, 1985 के निर्णय को एतद्वारा प्रकाशित करता है।

[सं. 82/प्र.सं. स./1/85]

टी. डी. गुप्ता, भवर सचिव,
भारत निर्वाचन आयोग

New Delhi, the 8th January, 1986

O.N. 3.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated the 22nd August, 1985 of the High Court of Madhya Pradesh, Jabalpur, in Election Petition No. 1 of 1985.

[No. 82/MP-HP/1/85]

T. D. GUPTA, Under Secy.
Election Commission of India

COPY OF JUDGMENT.

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Election Petition No. 1 of 1985

Sadashiv Singh

Vs.

Vijay Pratap Singh and others

JUDGMENT

The only question for decision in this petition is whether the returned candidate, respondent No. 1 Vijay Pratap Singh, was not qualified to be chosen to fill No. 12 Surguja Lok Sabha constituency reserved for the Scheduled Tribes, in the last general election to the Lok Sabha, held in December 1984. The petitioner alleges that respondent No. 1 did not belong to one of the Scheduled Tribes in order to qualify as a candidate from this constituency.

2. The petitioner is a resident of Ambikapur and is an elector from the said constituency. This Lok Sabha constituency was reserved in the last general election for being filled by a member of a Scheduled Tribe in accordance with Article 330 of the Constitution. In accordance with clause (1) of Article 342 of the Constitution of India, the president made the Constitution (Scheduled Tribes) Order, 1950, specifying the tribes or tribal communities or parts of or groups within, the tribes or tribal communities, which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that 'State'. Clause (2) of Article 342 empowers the Parliament to include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community. In exercise of this power, the schedule to the Constitution (Scheduled Tribes) Order, 1950, was amended from time to time and at the time of the last general election to the Lok Sabha, held in December 1984, it stood amended by the Scheduled Castes and Scheduled Tribes (Amendment) Act, 1976 (No. 108 of 1976). By this Act of 1976, the schedule to the Constitution (Scheduled Tribes) Order, 1950, was substituted with a new schedule containing 16 parts from Part I to Part XVI, each part relating to a different State and Part VIII therein relates to Madhya Pradesh. The relevant entry on the construction of which depends the decision of the aforesaid question involved in this petition, is entry No. 16 in Part VIII relating to the State of Madhya Pradesh, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by the aforesaid Act No. 108 of 1976, which reads as under :—

"16 Gond; Arakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Kilabbhuta, Kolia-Bhuti, Bhar, Bisomnor Maria, Chota Maria, Dandamari Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Doria,

Gaiki, Gatta, Gatti, Gara, Gond Gowari, Hill Maria, Kanura, Karanga, Knatola, Konar, Koya Khirwar, Khirwata, Kucha Maria, Kuchani Maria, Mudia, Mana, Mana, Manuswar, Mognya, Mogria, Mongnya, Mudia, Mucha, Nagareni, Nagwanshi, Ojha, Raj, Sonjhari Jnaioka, Thatia, Thotya, Wade Maria, Vade Maria, Dator."

The expression 'Scheduled Tribes' is defined in clause (25) of Article 366 of the Constitution, as such tribes or tribal communities or parts of or groups within such tribal communities as are deemed under Article 342 to be scheduled tribes for the purposes of the Constitution.

3. It is clear that in order to qualify to be chosen to fill the said Lok Sabha constituency reserved for the Scheduled Tribes in accordance with Article 330 of the Constitution, respondent No. 1 must belong to one or the scheduled tribes specified in Part VIII of the Constitution (Scheduled Tribes) Order, 1950. Respondent No. 1, who is admittedly a 'Raj-Gond', was treated as qualified to be chosen to fill this reserved seat on the ground that he fell within Entry No. 16 in Part VIII of this Order. The petitioner has alleged that respondent No. 1 does not fall within the ambit of Entry No. 16 and, therefore, he was not qualified to be chosen to fill the seat and his election is void on the grounds contained in section 100 (1)(a) and section 100 (1)(d) (i) of the Representation of the People Act. The question, therefore is of the proper construction of Entry No. 16 in Part VIII of the Constitution (Scheduled Tribes) Order, 1950, on the basis of the admitted fact that respondent No. 1 is a 'Raj-Gond'.

4. It is common ground that 'Raj-Gond' is a sub-tribe of the main tribe called 'Gond' and that the returned candidate, respondent No. 1, is a 'Raj-Gond'. Learned counsel for the petitioner, however, contended that in the above-quoted Entry No. 16, in Part VIII of the Order, the sub-tribe 'Raj-Gond' has not been included on account of which respondent No. 1 was not qualified to be a candidate for the reserved seat on the basis that he belonged to one of the sub-tribes of 'Gond' specified in Entry No. 16. It is beyond controversy that unless 'Raj-Gond' is one of the sub-tribe specified in the above-quoted Entry No. 16, respondent No. 1 would not be qualified to fill this Lok Sabha seat. In reply, learned counsel for the respondent contended that the sub-tribe 'Raj-Gond' is specified in Entry No. 16, which is evident from the fact that the word 'Raj' has been used in this entry to specify the sub-tribe 'Raj-Gond'. It was urged that there is no other sub-tribe known merely as 'Raj' in addition to the sub-tribe known as 'Raj-Gond' and, therefore, there can be no ambiguity on this count.

5. The manner in which such an entry in any part of the schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by Act No. 108 of 1976, has to be construed is settled by the decision in Dadaji v. Sukhdeoobabu, A.I.R. 1980 S.C. 150. After referring to the history leading to the amendment of the schedule to the order by Act No. 108 of 1976, it was pointed out that the schedule was amended in accordance with the recommendations of the Joint Committee to avoid any confusion by mentioning first the main tribe in any entry, followed by its synonyms and its sub-tribes. It was further pointed out that the communities mentioned against any specific entry are those which have mutual affinity amongst them. In short, each such entry first mentions the main tribe and then is followed by its synonyms and its sub-tribes; and the communities mentioned against any specific entry have mutual affinity amongst them. The relevant part of the decision, summarising this position, is as under :—

"The extract from the proceeding of the Joint Committee quoted above shows that in order to avoid confusion the Committee recommended to follow the words in Article 342 of the Constitution and to enlist the 'tribes or tribal communities or parts of, or groups within, tribes or tribal communities' under specific Entries. It also recommended that the main tribe should be mentioned first in the entry followed by its synonyms and its sub-tribes in alphabetical order. Even without the aid of the proceedings of the joint Committee, it is possible to arrive at the same conclusion in the context in which the word 'Mania' is found in Entry No. 18, Part IX of the Schedule to the Order as it stands today contains 47 Entries. In certain entries only one community is mentioned and in certain others, two or more

communities are mentioned. It is obvious that certain communities have been grouped together under a single entry in the light of Article 342 of the Constitution which requires parts of or groups within a tribal community also to be specified in the Order issued thereunder. It is, therefore, reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them."

(Para 12)

is, therefore, in this manner that the relevant Entry No. 16 Part VII of the Order has to be construed in the present case, treating the word 'Gond' at the beginning of the Entry as the main tribe and the words following it are to be treated & its synonyms and its sub-tribes all of which have mutual affinity amongst them.

6. Reference may be made at this stage also to the decision in *Parsram v. Shivchand*, A.I.R. 1969 S.C. 597, which was relied on by learned counsel for the petitioner to contend that the court cannot scrutinise the gazetteers and the glossaries for the purpose of deciding whether a particular community can be treated as a Scheduled Caste or a Scheduled Tribe. The question there was whether 'Chamar' or 'Mochi' could be treated as the same caste and a scheduled caste in a similar situation, when the specified scheduled caste was only 'Chamar' and 'Mochi' was not specified therein. It was held that the contents of the Order specifying Scheduled Castes alone had to be seen for this purpose and where the word 'Mochi' had not been mentioned, with reference to the gazetteers and glossaries, it could not be held that a 'Mochi' was the same as 'Chamar' which was a specified Scheduled Caste within the ambit of the Constitution (Scheduled Castes) Order, 1950. There can be no dispute with this proposition which merely lays down that for the purpose of deciding whether a particular scheduled caste was specified in that Order, its wordings had to be seen and with the aid of gazetteers and glossaries, a synonym not mentioned therein cannot be read for this purpose. This decision, however, does not lay down that the aid of relevant standards books cannot be taken for understanding the meaning of the words used in such an Entry or for the purpose of finding out which synonym or sub-tribe of the main tribe has been specified in the Entry.

7. The real controversy in the present case is the meaning of the word 'Raj' used in the aforesaid Entry No. 16 to specify a sub-tribe of 'Gond', which is the main tribe specified in the Entry. If the word 'Raj' used in the Entry denotes the sub-tribe 'Rai-Gonda', then obviously there is no foundation for the petitioner's argument, inasmuch as 'Raj-Gond' is a specified sub-tribe of the main tribe 'Gond' in the said Entry No. 16 and respondent No. 1 being admittedly a Raj-Gond, he was qualified to be chosen to fill this Lok Sabha seat reserved for the scheduled tribes. The real test, therefore, is whether the word 'Raj' in Entry No. 16 can be construed to denote a sub-tribe of Gond, other than 'Rai-Gond' or not. It has, therefore, to be seen whether there is any sub-tribe of Gond, known merely as 'Raj' other than the sub-tribe known as 'Rai-Gond'. If there is no such distinct sub-tribe, then obviously the word 'Raj' in this Entry must connote 'Rai-Gond' only, since 'Rai-Gond' is a sub-tribe of 'Gond' and there is mutual affinity between them.

8. Learned counsel for the petitioner was unable to show, with reference to any standard book or otherwise, that there is any separate and distinct sub-tribe of Gond known merely as 'Raj', in addition to the sub-tribe known as 'Rai-Gond'. On the other hand, in *Tribes and Castes of the Central Provinces of India* by R. V. Russell, (pages 62-63) while dealing with Tribal Sub-divisions relating to Gonds, two of the sub-divisions of Gonds are mentioned as 'Rai-Gonds' and 'Khatolas', which have been termed as two aristocratic sub-divisions. It is significant that 'Khatola' is also a sub-tribe of Gond, specified in Entry No. 16 so that 'Rai Gond' being the other sub-tribe of the same category was obviously specified by use of the word 'Raj', for the simple reason that 'Rai-Gond' has been written in the books as a combination of the two words 'Raj' and 'Gond'. It is also significant that the various sub-castes or sub-tribes or sub-divisions of Gonds, which are mentioned in this standard book, nowhere mention any sub-tribe known merely as 'Raj' distinct from

'Raj-Gond'. Unless the sub-tribe 'Raj-Gond' is treated as specified in the aforesaid Entry No. 16, the word 'Raj' used in that Entry would be meaningless and superfluous since no other meaning can be given that word.

9. Learned counsel for the petitioner also contended that the sub-tribe 'Gond Gowari' used in Entry No. 16 is significant to show that omission of the word 'Gond' along with the word 'Raj' was intended to indicate that the word 'Raj' does not mean 'Raj-Gond'. It is sufficient to point out that the word 'Gond', while specifying the sub-tribe 'Gond Gowari' was necessary, since the Gowari have three divisions, of which 'Gond Gowari' is merely one and the other two divisions of Gowaris being distinct sub-tribes, have not been specified in Entry No. 16. More use of the word 'Gowari' would have meant inclusion of all these three divisions and, therefore, 'Gond Gowari' was used to indicate the result that only one of the three divisions of Gowaris has been specified as a scheduled tribe in the said Entry No. 16. The reason obviously is that 'Gond Gowaris' are more directly derived from 'Gonds' and have, therefore, greater affinity with Gonds, while the other two divisions of 'Gowaris' have lesser affinity with Gonds. (Pages 160-161 of *Tribes and Castes of C.P. by Russell*). There is thus no similarity between 'Raj-Gond' and 'Gowari' for this purpose. Unless the word 'Raj' mentioned in the aforesaid Entry No. 16 is construed as specifying a sub-tribe of 'Gond' known as 'Rai-Gond', the word 'Raj' used in the Entry is meaningless. Obviously, a construction which renders the word 'Raj' superfluous in the Entry has to be avoided, unless it is not possible to give any rational meaning to it.

10. In support of the above contention, learned counsel for the petitioner attempted to draw support from the corresponding entries in the other parts of the schedule to the Constitution (Scheduled Tribes) Order, 1950, as in existence after the amendment made by Act No. 108 of 1976. These entries in different parts of the Schedule are as under :—

"Part I-Ajanta Pradesh— Gond, Naikpod, Rajgond.
Entry No. 6

Part III Bihar—Entry No. 12 Gond.

Part IV-Gujarat—Entry No. 12 Gond, Rajgond.

Part VI-Karnataka—Entry No. 9 Gond, Naikpod, Rajgond.

Part IX-Maharashtra—
Entry No. 13
Gond, Rajgond, Arakh, Arrakh, Ataria, Asur, Bali-Maria, Bala Maria, Bhatala, Bhimma, Bhuta, Koilabhuta, Koilabhutli, Bhar, Bisnghor Maria, Chota Maria, Danlami Maria, Dhuru, Dhurwa, Dheba, Dhulla, Dorla, Kalki Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kajanga Khatola, Koitar, Koya Khairwar, Kharwara, Kucha Maria, Muchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Murdia, Muria Nagarchi, Naikpod, Nagwanshi, Oiha, Rai, Sonjhari, Jhareka, Thatia, Thotya, Ware Maria, Wade Maria.

Part XII-Orissa—
Gond, Gondo.

Entry No. 22

Part XVI-West Bengal— Gond."

Entry No. 12..

Out of these entries, these in Part III-Bihar and Part XVI West Bengal are merely 'Gond' while in Part XII-Orissa, it is 'Gond, Gondo' and they are of no help for the present purpose. The Entries in Part I-Andhra Pradesh, Part-IV Gujarat and Part VI-Karnataka, mention 'Gond' as the main tribe and also mention 'Raj-Gond' thereafter. It is significant that in these Entries, apart from the word 'Gond', the only other words used are 'Raj-Gond' and 'Naikpod' and no mention is made of any other sub-tribe of Gonds. In such a situation, these Entries are not comparable with Entry No. 16 in Part VIII-relating to Madhya Pradesh, where there are a large number of sub-tribe mentioned after the main tribe 'Gond'. The only comparable Entry can be Entry No. 18 in Part IX relating to Maharashtra. That Entry however, also mentions the word 'Raj' to specify a sub-tribe and the main tribe is mentioned not only as 'Gond' but also as 'Gond Rajgond'. Some difference appears in the description of the main tribe in Entry No. 18, relating to Maharashtra in the different books and, therefore, reference was made to the official gazette, in which the main tribe is mentioned as 'Gond Rajgond' and not merely as 'Gond'. The contention of learned counsel for the petitioner that 'Raj-gond' is mentioned separately as a sub-tribe after the main tribe is mentioned as 'Gond' does not, therefore, appear to be correct. It is, therefore, not possible to accept the contention of learned counsel for the petitioner that wherever the sub-tribe 'Raj-Gond' was intended to be specified in any of the Entries in any part of the schedule to the Constitution (Schedule Tribes) Order, 1950, it was specified by writing 'Raj-Gond' and not merely 'Raj' following the main tribe mentioned as 'Gond'.

11. As a result of the above discussion, it follows that the returned candidate, respondent No. 1, being a 'Raj-Gond' belonged to a scheduled tribe specified in Entry No. 16 in Part VIII, relating to the State of Madhya Pradesh, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, as it stood amended at the time of the last general election, and was qualified to be chosen to fill the reserved seat, namely, No. 12 Surguja Lok Sabha Constituency. His election is, therefore, not void on any of the grounds contained in either section 100(1)(a) or section 100(1)(d)(i) of the Representation of the People Act, 1951. Issue No. 1 framed for this purpose is, therefore, answered against the petitioner.

12. The only other question raised in this petition was the alleged improper rejection of nominations of two persons amounting to a ground under section 100(1)(c) of the R. P. Act, 1951. Issue No. 2 was framed for this purpose. However, this issue was expressly given up by learned counsel for the Petitioner and no attempt was made even to prove it.

13. The issues framed and their answer is as follows :—

Issues	Answers
1(a) Is a Raj Gond not covered by Entry Raj-Gond is specified in Part VIII relating to the State of Madhya Pradesh of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, issued by the President of India under Article 342 of the Constitution	Part VIII M.P. of the Constitution (Scheduled Tribes) Order, 1950.

(b) If so, was the respondent No. 1, Respondent No. 1 the returned candidate not qualified to be chosen to fill the reserved seat, namely, Lok Sabha Constituency No. 12, Surguja

(c) Is the election of the returned candidate void on the ground contained in section 100(1) (a) and/or 100(1)(d)(i) of the R.P. Act, 1951

2(a) Whether the nominations of Dilip Sah and Satyanarayan were improperly rejected Given up by petitioner and also no proved

(b) If so, is the election of the returned candidate void on the ground contained in section 100(1) (c) of the R.P. Act, 1951.

3.] Relief, if any,.... Petition dismissed

14. Consequently, the petition is dismissed with costs, Counsel's Fee Rs. 500, if certified.

P.S.

15. After seeing the above draft judgment today, counsels for the petitioner made a written submission that the certificate of costs, showing respondent No. 1 only as 'Gond' and not 'Raj-Gond', has not been considered. It is difficult to appreciate this written submission of learned counsel for the petitioner. The petition itself mentions that respondent No. 1 is a 'Raj-Gond' and the petition is based on the ground that the aforesaid Entry No. 16 does not include a 'Raj-Gond'. This was also the admitted position at the time of hearing and even prior to that, as mentioned in the order sheet dated 9-8-1985. The only question, therefore, was whether respondent No. 1 being a 'Raj-Gond' belonged to a scheduled tribe covered by the aforesaid Entry No. 16, i.e., Part VIII-Madhya Pradesh of the schedule to the Constitution (Scheduled Tribes) Order, 1950. That is the question considered and decided in the petition. The certified copy of the nomination papers filed by respondent No. 1 describes him inter alia as 'Gond (Raj)' and 'Gond (Raj-Gond)'. The affidavit of respondent No. 4 filed before the Returning Officer also is to the same effect. These are all documents filed by the petitioner himself and are marked Exs. P-7 to P-11. The certificate (Ex. P-12), to which reference is made in the written submission of counsel for the petitioner, describes respondent No. 1 as belonging to the 'Gond' tribe, which is obviously the main tribe in the aforesaid Entry No. 16, of which 'Raj-Gond' is a sub-tribe. This further question does not, therefore, arise and even if it does, it has no merit and is rejected. The petition is dismissed as earlier stated.

Sd/- J. S. VERMA,
JUDGE

22-8-1985